

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DARWIN GRAVITT,

Petitioner,

v.

Case Number 00-10237

Honorable David M. Lawson

ZBGNIW TYZKIEWICZ,

Respondent.

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**ORDER DENYING PETITIONER'S MOTION FOR RECONSIDERATION**

On August 4, 2011, the Court entered an order denying the petitioner's motion for relief from judgment. On August 15, 2011, the petitioner filed a motion for reconsideration of the Court's order. Motions for reconsideration may be granted pursuant to E.D. Mich. LR 7.1(g)(1) when the moving party shows (1) a "palpable defect," (2) that misled the court and the parties, and (3) that correcting the defect will result in a different disposition of the case. E.D. Mich. LR 7.1(g)(3). A "palpable defect" is a defect which is obvious, clear, unmistakable, manifest, or plain. *Mich. Dep't of Treasury v. Michalec*, 181 F. Supp. 2d 731, 734 (E.D. Mich. 2002) (citations omitted). However, motions for reconsideration should not be granted when they "merely present the same issues ruled upon by the court, either expressly or by reasonable implication." E.D. Mich. LR 7.1(g)(3).

The motion was filed in this habeas corpus action that has been closed since April 2001, when the Court granted the respondent's motion to dismiss because the petition was filed after the statute of limitations expired. The court of appeals affirmed that ruling. Since that time, the petitioner has filed several letters attacking the decision and advancing other reasons to challenge his confinement. At least one of those letters was stricken because it was illegible. The Court has previously rejected these arguments as lacking merit on several occasions, and the Court cannot

discern a palpable defect by which it was misled in this case. In addition, this case is closed and further filings will not change this fact. Therefore, this motion will also be denied for lack of merit.

Accordingly, it is **ORDERED** that the petitioner's motion for reconsideration [dkt. #85] is **DENIED**.

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Dated: August 23, 2011

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on August 23, 2011.

s/Deborah R. Tofil  
DEBORAH R. TOFIL